

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 10-05383 (SMB)

**[PROPOSED] ORDER AUTHORIZING THE DEPOSITION OF
FEDERAL PRISONER ANNETTE BONGIORNO**

Upon the Motion for an Order Authorizing the Deposition of Federal Prisoner Annette Bongiorno (the “Motion”), dated September 19, 2018, of Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the Chapter 7 estate of Bernard L. Madoff, seeking to depose Annette Bongiorno (“Ms. Bongiorno”), pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), applicable to this proceeding under Rule 7030 of the Federal Rules of Bankruptcy Procedure, the Court having

considered the Memorandum of Law in Support of the Motion for an Order Authorizing the Deposition of Federal Prisoner Annette Bongiorno and any objections to the Motion; and due notice of the Motion having been given; and it appearing that no other or further notice need be given; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon the proceedings before the Court and after due deliberation, it is hereby **ORDERED** that:

1. Ms. Bongiorno's deposition is authorized and shall be completed prior to January 31, 2019;
2. Counsel from the following law firms may attend the deposition of Ms. Bongiorno: (i) Baker & Hostetler LLP, as counsel for the Trustee (the "Trustee's Counsel"); (ii) Lax & Neville LLP, as counsel for Defendant Stanley Shapiro and the other defendants named in this proceeding ("Defendants' Counsel"); and (iii) Sercarz & Riopelle, LLP, as counsel for Annette Bongiorno ("Bongiorno's Counsel," and together with Trustee's Counsel and Defendants' Counsel, the "Authorized Counsel"); no other appearances are authorized;
3. The Authorized Counsel shall meet and confer regarding the timing of when Ms. Bongiorno is to be deposed, shall identify several dates when all Authorized Counsel are available to attend her deposition (the "Available Dates"), and shall provide the list of Available Dates to the warden (the "Warden") of the Federal Correctional Institute Coleman Medium (the "Facility") in Sumterville, Florida.
4. The Warden is hereby directed to produce Annette Bongiorno, a prisoner with Federal Bureau of Prisons Register # 96064-004, at the warden's office or elsewhere within the Facility for a total of ten (10) hours of deposition testimony on the record on dates chosen by the Warden in his or her discretion among the Available Dates; in accordance with Federal Rule of

Civil Procedure 30(b), the deposition will be taken before a notary public or other person duly authorized by law to administer oaths and will be recorded by video and/or stenographically;

5. The Trustee's Counsel shall have the opportunity to commence Ms. Bongiorno's examination at deposition, Defendants' Counsel shall then have the opportunity to examine Ms. Bongiorno, and the Trustee's Counsel and Defendants' Counsel then will have the opportunity respectively to conduct any additional re-direct or re-cross examinations as they deem necessary; the Trustee's counsel shall be permitted to examine Ms. Bongiorno for a total of five (5) hours, and Defendants' Counsel shall be permitted to examine Ms. Bongiorno for a total of five (5) hours; no further questioning is authorized without written leave of court;

6. The Court, in its discretion, may impose sanctions on any person or entity that violates any provision of this Order; and

7. This Court shall retain exclusive jurisdiction over the enforcement, implementation, and interpretation of this Order.

Dated: _____, 2018
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE